

PHILLIP A. TALBERT
United States Attorney
ALSTYN BENNETT
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN DOMINGO,

Defendant.

CASE NO. 2:21-CR-00119-JAM
2:15-CR-00165-JAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this case was set for an admit/deny hearing and status conference on January 25, 2022 at 9:30 a.m.

2. On January 24, 2022, the parties learned that Mr. Domingo is in isolation for medical reasons and will not be available for court on January 25.

3. By this stipulation, the parties now move to set an admit/deny hearing in 2:15-CR-00165-JAM on February 15, 2022 at 9:30 a.m.

4. The parties further move to set a change of plea hearing in 2:21-CR-00119-JAM on February 15, 2022 at 9:30 a.m., and to exclude time between January 25, 2022 and February 15, 2022, under Local Codes T4 and M.

1 5. The parties agree and stipulate, and request that the Court find the following:

2 a) The government has represented that the discovery associated with this case
3 includes investigative reports and related documents, criminal history documents, other paper
4 documents totaling approximately 25 pages, and video. All of this discovery has been either
5 produced directly to counsel and/or made available for inspection and copying.

6 b) In light of this discovery, and based on counsel's own investigation concerning
7 the defendant's circumstances, counsel for defendant desires additional time to consult with her
8 client, to review the current charges, to conduct investigation and research related to those
9 charges, to obtain additional records related to this matter, to review and copy discovery for this
10 matter, to inspect physical evidence seized and/or otherwise available concerning this matter, to
11 discuss potential resolutions with her client, to consider and/or prepare pretrial motions, and to
12 otherwise prepare for trial.

13 c) Moreover, in addition to the general public-health concerns presented by the
14 evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in this case because
15 counsel have been encouraged to telework and minimize personal contact to the greatest extent
16 possible.

17 d) Counsel for defendant believes that failure to grant the above-requested
18 continuance would deny her the reasonable time necessary for effective preparation, taking into
19 account the exercise of due diligence.

20 e) The government does not object to the continuance.

21 f) Based on the above-stated findings, the ends of justice served by continuing the
22 case as requested outweigh the interest of the public and the defendant in a trial within the
23 original date prescribed by the Speedy Trial Act.

24 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
25 et seq., within which trial must commence, the time period of January 25, 2022 to February 15,
26 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Codes
27 T4 and M] because it results from a continuance granted by the Court at defendant's request on
28 the basis of the Court's finding that the ends of justice served by taking such action outweigh the

best interest of the public and the defendant in a speedy trial.

6. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 24, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ ALSTYN BENNETT
ALSTYN BENNETT
Assistant United States Attorney

Dated: January 24, 2022

/s/ LINDA ALLISON
LINDA ALLISON
Counsel for Defendant
STEVEN DOMINGO

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 25th day of January, 2022.

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE